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TITLE 12 - JUVENILE COURT

RULE 12.0010 APPLICATION

These rules are intended to supplement state statutes and rules found primarily in the Welfare and Institutions Code and California Rules of Court (see CRC 5.501 et. seq.) To the extent that any of these rules conflict with state statute or Rule of Court, the local rule is of no legal effect.

(Added 10-19-96 Effective 1-1-97; CRC number corrected 1-1-07)

RULE 12.0020 PRESIDING JUDGE

There shall be one Presiding Judge of the Juvenile Court. The Presiding Judge of the Juvenile Court shall be appointed by the Presiding Judge of the Riverside Superior Court and shall take actions and assume responsibilities as specified. To the extent possible, the Presiding Judge of the Juvenile Court shall remain in that position for at least three (3) years.

(Added 10-19-96 Effective 1-1-97; amend. 10-17-98, eff. 1-1-99)

RULE 12.0030 ACCESS TO FILES

The Clerk of the Court shall provide a procedure to ensure only persons authorized by law to view files have access to confidential files.

(Added 10-19-96 Effective 1-1-97)

RULE 12.0035 ELECTRONIC RECORDING DEVICES

No one, except certified court reporters, are permitted to bring any type of recording device, video camera, movie camera, or still camera, into the court without prior written approval from the Presiding Judge of Juvenile Court.

(Added 10-19-96 Effective 1-1-97)

RULE 12.0040
EX PARTE ORDERS

Applicants must give notice to all counsel, social workers and parents who are not represented by counsel or explain reasons notice cannot be given. Such notice is to be completed at least 24 hours prior to the hearing. Each ex parte application shall include in the title a brief description of the relief sought and specify in the caption the department in which the matter has been assigned. The first page of the ex parte application shall contain an opening paragraph specifying the order or orders being requested. All ex parte applications are to be filed in the Clerk's Office.

(Added 10-19-96 Effective 1-1-97; amend. 5-10-02, eff. 7-1-02)

RULE 12.0045
MULTIPLE PARTIES - CASE NAME

Every paper submitted for filing with the Juvenile Court shall bear the name of all minors subject to the action.

(Added 10-19-96 Effective 1-1-97)

RULE 12.0050
RELEASE OF INFORMATION

The Presiding Judge shall annually issue an ORDER re Release of Juvenile Court Records. This ORDER shall provide standing authority for records subject to Welfare and Institutions Code Sections 827 and 828.

(Added 10-19-96 Effective 1-1-97; amend. 10-17-98, eff. 1-1-99)

RULE 12.0051
ACCESS TO JUVENILE COURT RECORDS BY APPLICATION

Access to Juvenile Court Records not specified by the standing ORDER shall be upon application and review by a judge of the court. Records include any papers acquired by agency or department in the course of administering or enforcing Juvenile Law.

Applications shall support finding that the evidentiary value in a civil or criminal proceeding outweighs the need for confidentiality. Review of the records will be conducted in camera outside the presence of counsel. Parties are encouraged to seek stipulations which will avoid disclosure of confidential records.

(Added 10-19-96 Effective 1-1-97)

RULE 12.0052

JUVENILE AND FAMILY COURTS EXCHANGE OF INFORMATION

The Court hereby finds that the public interest in avoiding duplication of effort by the Courts and by the investigative agencies serving the Juvenile and Family Courts and the value of having relevant information outweighs the confidentiality interest reflected in Penal Code Sections 11167 and 11167.5 and Welfare and Institutions Code Sections 827 and 10850 et. seq., and therefore good cause exists for the following rule.

1. Probation Family Court Services (FCS) staff may orally disclose the following information to Probation or Department of Public Social Services (DPSS) staff who are investigating a suspected child abuse or neglect situation:
 - A. Whether the minor has been or is the subject of an FCS custody investigation.
 - B. The recommendations made or anticipated to be made to the Court by the FCS staff.
 - C. The Family Court orders in existence.
 - D. Any statements made by the child or the child's parents, guardians or custodians which might bear upon the issue of child abuse or neglect being investigated.
2. Custody Disputes

Probation, Law Enforcement (LE), or DPSS staff may orally disclose to FCS staff who are mediating or investigating a child custody dispute the following information:

- A. Whether the minor is or has been the subject of a child abuse or neglect investigation and the status of that investigation;
- B. The recommendations made or anticipated to be made to the Court by the LE or DPSS staff;
- C. Any Juvenile Court orders or petitions in existence which might bear upon the child custody dispute being investigated;
- D. Any statements made by the child, the child's parents, guardians or custodians which might bear upon the child custody dispute being investigated;

- E. The details of any report of suspected abuse of the child, except the identity of any original reporting party who has expressed a desire to remain anonymous.

3. Delinquency

FCS or DPSS staff may orally disclose the following information to Probation staff who are investigating a delinquency case:

- A. Whether the minor or his/her parents are or have been the subject of a child abuse, neglect or custody investigation, the status of that investigation, the recommendations made or anticipated to be made to the Court by DPSS or FCS, and any Court orders in existence with respect to the child.
- B. Any statement made by the child or the child's parents, guardians, or custodians which bear upon the issue of the child's delinquency or any disposition in the delinquency proceeding.

4. Conditions

Any disclosure authorized by this order shall be subject to the following conditions:

- A. The agency receiving the request shall first establish to its satisfaction that the inquiring party is in fact a member of an agency designated above;
- B. All information shall be provided orally;
- C. If an agency desires written documentation, it shall make written application for a Court order releasing that documentation;
- D. The information gathered shall be used exclusively in the investigation being conducted and the subsequent Court proceedings, and shall not be repeated to anyone not a party to those proceedings without Court order.

Nothing in this order is intended to limit any disclosure of information by any agency which is otherwise required or permitted by law or by other Court orders.

(Added 10-19-96 Effective 1-1-97; amended 10-17-98, effective 1-1-99)

RULE 12.0053

DISSEMINATION OF RIVERSIDE CHILD ASSESSMENT TEAM (RCAT) AUDIO/VIDEO TAPES

All RCAT interview tapes shall be confidential except as authorized pursuant to Welfare and Institutions Code 827. Viewing, discovery, or production of tapes shall conform to the policies established by the RCAT Board.

1. Each department or agency shall conform to the policies promulgated by the RCAT Board.
2. An order by the Judge of the Superior Court is required in each instance that a tape will be viewed, copied, or provided as discovery.

(Added 10-30-99; eff. 1-1-00)

RULE 12.0060

JUVENILE COURT MANAGEMENT OF CASES IN COMMON WITH OTHER DEPARTMENTS

It is the policy of the Court to identify and coordinate custody proceedings involving the same child which may appear in multiple legal settings. It is further the policy of the Court to coordinate the efforts of the different Court systems so that the child's needs are served and the resources of the family and the Court are not wasted. To these ends the Court and the agencies serving the Court shall cooperate to increase the exchange of information and to determine the most appropriate forum for the resolution of the issues relating to the child.

Orders made by the Juvenile Court as to parent/child contact shall take precedence over any orders made pursuant to a Criminal, Family or Probate matter. However, Criminal Protective Orders that are in conflict with a Juvenile Court order take precedence over the Juvenile Court order.

(Added 10-19-96 effective 1-1-97; amended 10-28-06, effective 1-1-07)

RULE 12.0061

CASA GUIDELINES

The court adopts program guidelines for CASA (Court Appointed Special Advocates) as set forth by the Judicial Council effective February 25, 1991.

(Added 4-25-98, eff. 7-1-98)

RULE 12.0070
STANDARDS FOR COUNSEL

Attorneys for parties subject to Juvenile Court shall comply with requirements set forth in CRC, Rule 5.660. Each attorney office shall keep verification on file and provide same upon demand.

(Adopted 10-19-96 Effective 1-1-97; CRC number corrected 1-1-07)

RULE 12.0075
FILING AMENDED 300 AND 600 JUVENILE PETITIONS

The Department of Public Social Services shall keep a clean copy (a copy that does not have a court file stamp) of the original petition in their file. When a 300-dependency petition is amended in open court, the Department of Social Services' Court Officer and Deputy County Counsel shall use a clean copy of the original petition to create the amended petition by crossing out the deleted text and adding the changes in handwriting. This copy of the amended petition shall then be presented to the court for filing.

The District Attorney shall keep a clean copy (a copy that does not have a court file stamp) of the original petition in their file. When a 600-delinquency petition is amended in open court, the District Attorney shall use a clean copy of the original petition to create the amended petition by crossing out the deleted text and adding the changes in handwriting. This copy of the amended petition shall then be presented to the court for filing.

(Adopted 4-28-06, effective 7-1-06)

RULE 12.0080
FILING REPORTS TIMELY

Unless authorized by the judicial officer presiding over the hearing, all jurisdiction and/or disposition reports, addendum(s), memorandum(s) and CASA reports shall be filed and served at least two (2) judicial days before any hearing. All CASA reports filed shall have attached a completed Proof of Service – Juvenile Form JV-510 denoting service to all of the parties to the matter. Detention hearing reports shall be filed with the petition. All other reports and assessments shall be timely filed and served as mandated by the Welfare and Institutions Code and/or the California Rules of Court.

(Added 10-19-96 Effective 1-1-97; amend. 10-30-99; effective 1-1-00; amended 10-20-00, effective 1-1-01; amended 9-29-01, effective 1-1-02; amended 4-25-03, effective 7-1-03; amended 10-22-04, effective 1-1-05)

RULE 12.0081

FILING CAREGIVER INFORMATION AND DE FACTO PARENT STATEMENT FORMS

Unless authorized by the judicial officer presiding over the hearing, all Caregiver Information Forms (JV-290) and De Facto Parent Statement Forms (JV-296) not submitted as an attachment to a social worker's report shall be filed and served at least ten (10) calendar days prior to the hearing. All forms filed and served shall have attached a completed Proof of Service-Juvenile Form, JV-510 denoting service to all of the parties to the matter.

(Adopted 10-22-04, effective 1-1-05)

RULE 12.0082

ATTACHMENTS, EXHIBITS AND OTHER DOCUMENTS

No report shall be filed with any attachment, exhibit or other document previously filed in the same matter. Previously filed reports and/or attachments or exhibits attached thereto may be incorporated by reference by denoting the title and file date of the referenced report, the page and line number and/or the specific attachment or exhibit number to be referenced.

(Added 5-10-02, effective 7-1-02)

RULE 12.0084

COURT MINUTE ORDERS

No copies of any court minute order generated by the Riverside Superior Court shall be attached to any report. A party may within a court report request the court to take judicial notice of any court minute order referencing the date of the court minute order and the specific order or orders.

(Added 5-10-02, effective 7-1-02)

RULE 12.0090

DISCOVERY

Forty-eight (48) hours prior to any contested hearing, DPSS, or their counsel, shall provide all counsel and the Court with a list of reports that will be used as evidence in the contested hearing. It is incumbent upon counsel to insure that they have copies of all listed reports. This list may be updated to include any new reports as long as those reports are made available to counsel no later than the day before the contested hearing.

(Added 10-19-96 Effective 1-1-97; amend. 10-17-98, eff. 1-1-99)

RULE 12.0100
POST-ADOPTION CONTACT MEDIATION

The purpose of Post-Adoption Contact Mediation is to provide an opportunity for prospective adoptive parents and birth families to work together to create a post-adoption contact agreement that will be in the best interest of the child. To request a post-adoption mediation session to be conducted by a court mediator, a party shall file a Post-Adoption Mediation Information and Issues form with the Clerk's Office of the Juvenile Court.

In any report requesting termination of reunification services, the assigned social worker shall specify in the "Concurrent Planning" section of the report if the matter meets the required criteria for referral to post-adoption contact mediation. All of the following criteria must be met prior to referring a matter to mediation for the purpose of discussing and/or formulating a post-adoption contact agreement pursuant to Family Code Section 8616.5:

1. The child has been adjudged to be a dependent of the court; and
2. Adoption is requested or the court has ordered a permanent plan; and
3. A prospective adoptive parent with whom the child has been placed has voluntarily agreed to enter into the mediation process for the purpose of discussing and/or formulating a Post-Adoption Contact Agreement; and
4. Birth parent(s) or other birth relatives, including siblings, have requested mediation for the purpose of discussing and/or formulating a Post-Adoption Contact Agreement.

If all of the above criteria exist, the assigned social worker shall make a recommendation on whether or not the matter should be referred to mediation for the purpose of discussing and formulating a post-adoption contact agreement.

When the parties finalize and sign the post-adoption contact agreement, the prospective adoptive parent shall retain the original agreement, attach it to the AD-310, and submit those papers, along with the Petition for Adoption, to the Juvenile Court.

The Court will forward copies of the agreement to the assigned social worker and to the adoption section of the Riverside County Department of Public Social Services for recommendation pursuant to Family Law Code Section 8715 and California Rules of Court, rule 5.400.

(Added 10-30-99; effective 1-1-00; amended 4-27-01, effective 7-1-01; amended 4-28-06, effective 7-1-06)

RULE 12.0105
MEDICAL EXAMINER FEE

The fee charged for psychological evaluations rendered by court appointed Medical Examiners under section 370 of the Welfare and Institutions Code is to be set in accordance with the fee schedule outlined in Court Policy Memorandum.

The Court may, at its own discretion authorize a higher fee based on extraordinary circumstances.

(Adopted 4-28-06, effective 7-1-06)